

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-0525V

MICHELLE PICKETT,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 4, 2023

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Felicia Langel, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On January 11, 2021, Michelle Pickett filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) following a tetanus-diphtheria-pertussis (“Tdap”) vaccination she received on June 30, 2020. Petition at 1. Petitioner further alleges that her “SIRVA symptoms have persisted for more than six months.” Petition at ¶ 5. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 27, 2023, Respondent filed an Amended Rule 4(c) report in which he states that he does not contest that Petitioner is entitled to compensation in this case. Respondent’s Amended Rule 4(c) Report at 1. Specifically, Respondent states that, as a

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

result of my July 20, 2022 finding that Petitioner has satisfied the statutory severity requirement, he “will not continue to contest that Petitioner suffered a SIRVA as defined by the Vaccine Injury Table.” *Id.* at 4. Respondent further agrees that “as the record now stands, and subject to his right to appeal the Findings of Fact, Respondent does not dispute that Petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.* at 5-6.

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master